

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Bruce Taylor/327-3741

PREPARED BY: Heidi Cavicchia

SUBJECT: Ordinance

AFFECTED DISTRICT: Townwide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 25 OF THE TOWN CODE ENTITLED “UTILITIES“, BY AMENDING SECTION 32 ENTITLED “WATER CONSERVATION” BY REVISING THE MONTHLY WATER RATE CHARGES AND BLOCK ADJUSTMENTS AND PROVIDING FOR YEAR ROUND WATER CONSERVATION, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The water conservation ordinance approved in 2007 is in need of revisions to make it compatible with the new Water and Sewer Service Rates as approved by the Town Council on December 19, 2007 (Ordinance #2007-038). The new rates show six blocks for water usage while the current Water Conservation Ordinance only addresses three blocks. By amending this ordinance, we are making both ordinances uniform to allow for more accurate billing.

PREVIOUS ACTIONS: None

CONCURRENCES: Town Attorney reviewed and approved

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Approval of the Ordinance

Attachment(s): Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 25 OF THE TOWN CODE ENTITLED “UTILITIES“, BY AMENDING SECTION 32 ENTITLED “WATER CONSERVATION” BY REVISING THE MONTHLY WATER RATE CHARGES AND BLOCK ADJUSTMENTS AND PROVIDING FOR YEAR ROUND WATER CONSERVATION, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is in the public interest to establish year round water conservation measures as well as conservation measures during periods of mandated water restrictions as determined by the South Florida Water Management District.

NOW, THEREFORE, BE IT ORDANED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That Chapter 25, Section 32, of the Code of Ordinances of the Town of Davie is hereby amended to read as follows:

Section 25-32 WATER CONSERVATION

The Town of Davie will practice year round water conservation. As such the following block rates will be in effect for all residential customers when South Florida Water Management District mandates Phase II or higher Water Restrictions:

Normal Water Consumption Usage Conservation Blocks	Gallons per month	Surcharge
Residential – Single Family and Irrigation		
Block 1	0 – 5,000	0%

Block 2	6,001 – 10,000	10%
Block 3	10,001 – 20,000	20%
Block 4	20,001 – 30,000	30%
Block 5	30,001 – 50,000	40%
Block 6	Over 50,000	50%

Normal Water Consumption Usage Conservation Blocks	Gallons per month	Surcharge
Residential – Multi-Unit		
Block 1	0 – 4,000	0%
Block 2	4,001 – 8,000	10%
Block 3	8,001 – 16,000	20%
Block 4	16,001 – 24,000	30%
Block 5	24,001 – 40,000	40%
Block 6	Over 40,000	50%

Multi-Unit residential accounts which are master metered will have individual residential unit water consumption calculated by dividing the total flow by the number of units for any and all surcharge calculations including water shortage surcharges.

Normal Water Consumption Usage Conservation Blocks	Gallons per month	Surcharge
Residential – Mobile Home		
Block 1	0 – 3,000	0%
Block 2	3,001 – 6,000	10%
Block 3	6,001 – 12,000	20%
Block 4	12,001 – 18,000	30%
Block 5	18,001 – 30,000	40%
Block 6	Over 30,000	50%

For all other accounts, including but not limited to non-residential, commercial, institutional, and user agreements, the following surcharges are in place on all water consumption.

Water Shortage Phase	Water Restriction Surcharge Percentage
Phase I	15%
Phase II	30%
Phase III	45%
Phase IV	60%

In the event that the mandatory water restrictions are lifted by the South Florida Water Management District, the Town of Davie will remain under Phase I restrictions to encourage year round water conservation.

Under Phase I, permitted hours of watering of landscaping are as follows:

Even numbered addresses: Tuesday, Thursday and Sunday from 4 am to 8 am.

Odd numbered addresses: Monday, Wednesday and Saturday from 4 am to 8 am.

Hand watering (with one hose and an automatic shut-off nozzle), car and boat washing (use automatic shut-off nozzle and drain to porous surface) is also permitted from 5 pm to 7 pm according to landscape watering days.

All water use, including but not limited to irrigation systems and all watering of landscaping from any source, municipal utility, surface or well shall adhere to all current and future restriction policy guidelines promulgated under the emergency declarations of the governing Board of Commissioners for the South Florida Water Management District or applicable governing agency.

Violations: A violation of any of the provisions of this section shall result in the general penalties set forth in Section 1-9 of the Town Code or as otherwise provided by law. In accordance with the Water Shortage Emergency Declaration and the implementation of Phase I-IV restrictions as per the Rules of the South Florida Water Management District, including but not limited to Chapter 40E-21 and such revisions promulgated hereafter to the water restriction policy guidelines and the enforcement thereof, the same shall be adopted by reference hereto

and said enforcement shall be undertaken by the Town as deemed appropriate in compliance therewith.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 3. The Town Council may approve future rate changes to this ordinance by Resolution and the rate changes will take effect immediately upon passage of the Resolution.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2008.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2008.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2008.

